

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JUSTIN BELL and KEITH COSTANZA,))
on behalf of themselves and))
similarly situated employees,))
Plaintiffs,))
))
v.) Civil Action No. 10-320
))
CITIZENS FINANCIAL GROUP, INC.,))
RBS CITIZENS, N.A. (d/b/a))
Citizens Bank), and CITIZENS))
BANK OF PENNSYLVANIA (d/b/a))
Citizens Bank),))
Defendants.))

ORDER OF JURY SELECTION PROCEDURE

Once the jury panel has been placed in the courtroom,
the Deputy Clerk will administer the following oath to the
panel, en banc:

"You and each of you do solemnly swear and affirm
that any statement you make in this room in the
cause now trying shall be the truth, the whole
truth, and nothing but the truth, and you do so
under the pains and penalties of perjury."

Once the oath has been administered, the Courtroom Deputy
will then address the panel as follows:

1. "The caption of this case is Justin Bell and Keith Costanza, on behalf of themselves and similarly situated employees v. Citizens Financial Group, Inc., RBS Citizens, N.A., doing business as Citizens Bank, and Citizens Bank of Pennsylvania, also doing business as Citizens Bank and is docketed at this Court's Civil Action No. 10-320. Do any of you know anything about this case?"
2. "The PLAINTIFFS in this case are Justin Bell and Keith Costanza. Do any of you know either Mr. Bell or Mr. Costanza?"

3. "The DEFENDANTS in this case are Citizens Financial Group, Inc., RBS Citizens, N.A., doing business as Citizens Bank, and Citizens Bank of Pennsylvania, also doing business as Citizens Bank. Have you, any member of your immediate family, or a close friend, ever been employed by, or worked for defendants Citizens Financial Group, Inc., RBS Citizens, N.A., or Citizens Bank of Pennsylvania? If so, when? How long did you (or they) work? What do (or did) you (or they) do?"
4. "The PLAINTIFFS are represented by Attorneys Brendan J. Donelon and Daniel W. Craig from the law firm of Donelon, P.C. and Peter Winebrake and R. Andrew Santillo of the law firm of Winebrake & Santillo, LLC."
5. "The DEFENDANTS are represented by Attorneys Mark W. Batten, Alison Langlais, Elise M. Bloom, Amanda Haverstick and Brian J. Gershengorn of the law firm of Proskauer Rose, LLP."
6. "Do any of you know any of these attorneys? Have they, or any member of their firms, ever represented you or a member of your immediate family, if you know?"
7. "Do any of you have any difficulty in seeing or hearing, or understanding the English language, that would impair your full attention to the trial?"
8. "Do any of you take medication that might make you drowsy or prevent you from giving your full concentration during the course of this trial?"
9. "Do any of you have any physical problems that would make it difficult for you to sit as a juror in this case?"

10. "Witnesses in this case may be any or all of the following:

Remi Amerson
John Andrews
Ramon Andujar
Michelle Arsenault
Justin Bell
Lorraine Berger
Susan Berthelette
Justina Biele-Gai
Jean Blanchard
Jeremy Bond
Gregory Branch
Brenda Brandon
Angela Burkholder
Kelly Burnham
Janette Cabrera
Robert Callahan
Peter Camilleri
Karen Cappiello
Peter Chetkin
Salina Chowdhury
Jean Coleman
Jessica Collette
Jill Combs
Amber Cominskey
Randolph Corbin
Keith Costanza
Jacqueline Courtwright
Brian Crandall
Alberonys Cuevas
Rodney Currier
Michael Dasaro
Suzanne Davidson
Zachary Degen
Michael DeRosa
Michelle Dicarlo
Dominick Doyle
Katie Farrington
Nancy Lee Federoff
Liesl Mae Fox
Margaret Friedrich
Roberto Garcia
Michael Giammarco
Jessica Gil
Andrew Giles
Joseph Goldberg, Jr.
Michael Grass
Carmine Guarino

Steven Hallenback
Erika Harris
Charles Hayes
Clifford Jenkins
Jonathan Kaufman
Denise Kellner
Rosemary Kidd
Daniel King
Tracey Kloss
Richelle Leary
Steve Leboon
Kiana Lom
Simon Lowenthal
Jacob Lusby
Jacqueline Luther
Kristina Magee
Lisa McGraw
William Medlin
Kristin Meehan
Thomas Mercurio
Delia Meteau
Jamie Miller
Jacquelyn Miosi
Diane Mooney
Angela Moultrie
Pamela Nagy
Malcolm Nowlin
Tracy O'Donnell
Anthony Parisi
Eric Patterson
Antonietta Peixoto
Kimberly Peraza
James Petrillo
Caroline Pettit
Regina Pikovsky
Travis Podolec
Alan Prescod
Nicole Provest
Kelley Quirk
Joe Reddish
Sarah Ribis
Gabriel Rodriguez
Valerie Rogers
Courtney Schaeffer
William Sieberling
James Serafino
Jagjiwan Singh
Justina Sirianni
Wendy Smith
Tai St. John

Sara Stacey
Luba Starikov
Sylvia Stein
Amber Steinmeier
Pamela Suro
Emily Tan
Anthony Terrizzi
Janet Thornton
Harold Thousand
Natasha Tibbals (Williamson)
Faith Truax
Tad Tuite
Joseph Varano
Christian Vernam
Kenneth Vrana
Denise Wood
Amparo Xavier
Barbara Zecchini (Dyer)

Do you know any of these witnesses?

After the above questions have been asked of the jury, en banc, the jurors will be seated in the jury box. A panel of 14 jurors will be seated in the courtroom. Individual voir dire will then begin in the jury deliberation room in the order in which the jurors were seated. Pursuant to Local Rule 47.1(C), the Courtroom Deputy will ask each juror the following:

1. "Where do you live (city and county only)?"
2. "What is your occupation and for whom do you work?"
3. "Are you married? If so, what is your spouse's occupation and for whom does he or she work?"
4. "Do you have any children? Are they in school or employed? If employed, for what do they do and for whom do they work?"
5. "Do you own or rent your current home?"
6. "Do you have an attorney? If so, what is your attorney's name? Have you ever had the occasion to use an attorney? If so, for what?"
7. "Have you ever been a party to a lawsuit?"
 - (a) plaintiff or defendant?
 - (b) type of lawsuit and result?
 - (c) effect on jury service?
8. "What is the extent of your education? Do you have any post-college education?"

9. "Are you, or any member of your immediate family, presently doing business with defendants Citizens Financial Group, Inc., RBS Citizens, N.A., or Citizens Bank of Pennsylvania?"

"Have you, or any member of your immediate family done business with defendants Citizens Financial Group, Inc., RBS Citizens, N.A., or Citizens Bank of Pennsylvania in the past?"

"If yes to either question, what is (or was) the nature of the relationship or interest, if you know? Would any such relationship or interest prevent you from rendering a fair and impartial verdict?"

10. "Have any of the questions asked brought to your mind anything that you wish to volunteer?"
11. "Is there any reason you couldn't sit on this jury?"

At the conclusion of the individual voir dire, the Deputy will announce a short break to allow counsel to consider the jurors' responses. A total of six (6) strikes will be made. The parties will make alternating strikes with the plaintiff proceeding first. Each challenge is to be labeled (i.e. "P-1" is plaintiff's first challenge; "D-2" is defendant's second challenge). Those stricken jurors will be removed from the jury box. The remaining panel will be the jury selected for this trial.

When seating a jury panel, the first eight (8) names from the panel of 14 seated is the PRIMARY panel. This means that if any of the first eight (8) jurors are selected for this jury, they are to remain in their seats, with the remaining jurors to fill in the rest of the panel.

If, for example, jurors 1, 3, 5 & 8 are selected, as are jurors 10, 12, 13 & 14, the panel will be seated in the following manner:

Juror #1 remains juror #1.
Juror #8 becomes juror #2.
Juror #3 remains juror #3.
Juror #10 becomes juror #4.
Juror #5 remains juror #5.
Juror #12 becomes juror #6.
Juror #13 becomes juror #7.
Juror #14 becomes juror #8.

Once the jury is seated in the jury box and the Judge is on the bench, but prior to the beginning of testimony, the jury will be given the following oath:

"Do each of you solemnly swear or affirm that you will well and truly try the matters in issue now on trial, and render a true verdict, according to the law and the evidence, and that you do so under the pains and penalties of perjury."

After the entire case has been presented to the jury and they prepare to deliberate on the issues presented, the Clerk will be sworn in as the Bailiff by the following oath:

"You do solemnly swear to keep this jury together in some private and convenient place, and not to permit any person to speak to, or communicate with them, nor to do so yourself unless by order of the court or to ask whether they have agreed on a verdict, and to return them into court when they have so agreed, or when ordered by the Court, so help you God."

BY THE COURT:

s/Gary L. Lancaster, C.J.
Hon. Gary L. Lancaster,
Chief United States District Judge

Dated: April 2, 2013